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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

v.

10 JUAN CARLOS ORTEGA-VALENCIA,

11 Defendant.

CASE NO. CR17-5122BHS

ORDER

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13 This matter comes before the Court on Defendant's Motion and Affidavit to
14 Continue Pretrial Motions Cutoff and Trial Date. The Court, having considered the
15 unopposed motion and affidavit of defense counsel and the Defendant's speedy trial
16 waiver, makes the following findings of fact and conclusions of law:

17 1. Defense counsel for Mr. Ortega-Valencia was appointed on September 14,
18 2017, and received discovery on September 18, 2017. Additional time is needed to
19 review the discovery, to meet with Mr. Ortega-Valencia and to draft any potential pretrial
20 motions.

21 2. The defense needs additional time to explore all relevant issues and defenses
22 applicable to the case, which would make it unreasonable to expect adequate preparation

1 for pretrial proceedings or for trial itself within the time limits established by the Speedy
2 Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

3 3. Taking into account the exercise of due diligence, a continuance is necessary to
4 allow the defense the reasonable time for effective preparation and to ensure continuity of
5 counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

6 4. Proceeding to trial absent adequate time for the defense to prepare would result
7 in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

8 5. The ends of justice served by granting this continuance outweigh the best
9 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

10 ||| 6. Defendant waived speedy trial through January 31, 2018.

11 NOW, THEREFORE, IT IS HEREBY ORDERED that the trial date is continued
12 from October 3, 2017, to December 12, 2017, at 9:00 a.m. The resulting period of delay
13 from September 20, 2017, to December 12, 2017, is hereby excluded for speedy trial
14 purposes under 18 U.S.C. § 3161(h)(7)(A) and (B).

15 Pretrial motions are due no later than November 2, 2017. Pretrial Conference is
16 set for December 4, 2017 9:00 a.m.

17 || Dated this 22nd day of September, 2017.


BENJAMIN H. SETTLE
United States District Judge